



**OHIO DEPARTMENT
OF PUBLIC SAFETY**
SAFETY • SERVICE • PROTECTION

- Bureau of Motor Vehicles
- Emergency Management Agency
- Emergency Medical Services
- Office of Criminal Justice Services
- Ohio Homeland Security
- Ohio State Highway Patrol



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August 13, 2019

Ian Carroll
MuckRock

Via email: 78331-08802383@requests.muckrock.com

Dear Mr. Carroll,

You submitted a public records request in an email received on August 4, 2019 to the Ohio Department of Public Safety (DPS). For the sake of clarity, your individual requests have been reprinted below with DPS's response immediately after. You requested the following:

1. Any and all communications between your agency and US Customs and Border Patrol (otherwise known as "CBP", "USCBP", etc) and/or US Immigration and Customs Enforcement (otherwise known as "ICE").

This request is overly broad. Ohio law provides that a requester has a duty to identify the records sought with sufficient clarity. *State ex rel. Dillery v. Icsman* (2001), 92 Ohio St.3d 312, 314. In your request, you have asked for "any and all communications" between DPS and US Customs and Border Patrol for a period of a year and a half. Please note that your request does not satisfy the requirements of Ohio public records law that a request must be specific and particularly describe what is being sought from the public office. *State ex rel. Zauderer v. Joseph* (1989), 62 Ohio App.3d 752, at 756. This request also constitutes a complete duplication of records and Ohio public records cases have established that public records requests must be more narrowly tailored than a blanket request for all documents of a certain type. *State ex rel. Bristow v. Baxter*, 2018-Ohio-1973, ¶9-13; *See State ex rel. Glasgow v. Jones*, 119 Ohio St.3d 391, 2008-Ohio-4788, ¶ 19.

2. Any and all records relating to any and all operations conducted between your agency and US Customs and Border Patrol and/or US Immigration and Customs Enforcement.

This request is overly broad. Ohio law provides that a requester has a duty to identify the records sought with sufficient clarity. *State ex rel. Dillery v. Icsman* (2001), 92 Ohio St.3d 312, 314. Your request essentially asks for "any and all" records pertaining to a particular subject matter. Please note that your request does not satisfy the requirements of Ohio public records law that a request must be specific and particularly describe what is being sought from the public office. *State ex rel. Zauderer v. Joseph* (1989), 62 Ohio App.3d 752, at 756. A governmental office has no duty to "seek out and retrieve those records which would contain the information of interest to the requester." *State ex rel. Fant v. Tober* 1993 WL 173743 (Ohio App. 8 Dist.). That is, a public

Mission Statement

"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."

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office is under no obligation to search for records containing selected information. *State ex rel. Thomas v. Ohio State University* (1994), 71 Ohio St. 3d 245.

3. Any and all records relating to your agency's cooperation with US Customs and Border Patrol and/or US Immigration and Customs Enforcement.

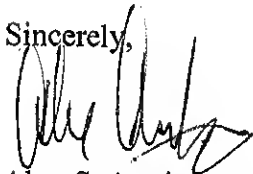
For the reasons stated above in your second request, this request is overly broad.

4. Any and all records relating to patrols performed by US Customs and Border Patrol and/or US Immigration and Customs Enforcement in your jurisdiction, including any such patrols on Interstate 5.

For the reasons stated above in your second request, this request is overly broad. Furthermore, please note that Interstate 5 does not enter Ohio's territory and that interstate is located in the states of California, Oregon, and Washington.

Please contact me with any questions and should you want to clarify or narrow your public records request. Furthermore, our records retention schedules can be found at <https://apps.das.ohio.gov/rims/Search/PublicSearch.asp> which may assist you in your request.

Sincerely,



Alex S. Armitage
Associate Legal Counsel